

(Rev 2/12)  
(Without Petition)  
(Under the Provisions of Chapter VI, Article 7,  
Section 78 of the Charter of the City of Durham)

**STREET PAVING  
E.A.A.**

**FINAL RESOLUTION ORDERING THE MAKING  
OF LOCAL IMPROVEMENTS**

**WHEREAS**, the City Manager set a public hearing pursuant to the Resolution Authorizing the City Manager or Designee to Set Public Hearings and to Declare the Adoption of Resolutions of Intent (Resolution 9709), relative to the local improvements hereinafter described, and in doing so the 17<sup>th</sup> day of June, 2013 at 7:00 P.M., was fixed as the time and the Council Chamber of City Hall as the place when and where a public hearing would be held on the improvements proposed to be made; and

**WHEREAS**, a notice of the public hearing was published in the Durham Herald Sun on the 5<sup>th</sup> day of **June, 2013**, said date of publication being not less than ten days prior to the date set for the public hearing; the notice stated that all objections to the legality of the making of said improvements are required by law to be made in writing, signed in person or by attorney and filed with the City Clerk at or before the time of said public hearing and that any such objections not so made will be waived; and

**WHEREAS**, a notice that a public hearing will be held on and at this specified time and place, generally describing the nature and location of the improvement, has been mailed to the owners of all property subject to assessment if the project herein described should be undertaken and that said notices were mailed by first-class mail to said owners on the 5<sup>th</sup> day of **June, 2013**; and

**WHEREAS**, said public hearing has now been held and no objections have been made to the making of said improvements / objections have been made to the making of said improvements, which objections appear in the minutes of the City Council meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:**

A. That this proceeding is taken under and will be governed by the provisions of Chapter VI, Article 7, Section 78 of the Charter of the City of Durham.

B. That the street(s) proposed to be improved is or are as follows:

**Clover Hill Place (Dunwoody Subdivision) – from South Riverdale Drive through the  
Cul-de-sac**

C. That if said local improvements are ordered made, the proportion of the cost thereof to be specially assessed and the terms of payment will be as follows:

## **SPECIAL ASSESSMENTS**

Street Paving: The total cost of any street paving, less \$8,100.00, shall be specially assessed against the lots and parcels of land abutting directly on the street(s) paved, by an equal rate per lot, and in accordance with the other provisions of Section 77(14) of the City of Durham Charter.

## **TERMS OF PAYMENT**

The owners of the assessed property shall have the option, before the expiration of 30 days from the date of publication of the notice that the assessment roll has been confirmed, of paying the assessment either in cash in full or in five annual installments. If the option to pay in cash in full within said period of 30 days is not exercised, then the amount of such assessment shall be arranged into the established number of annual installments, the first of which shall become due and payable 30 days after the publication of the notice that the assessment roll has been confirmed, and one installment shall be due and payable on the same day of the month in each successive year thereafter until the assessment is paid in full.

D. That the authority by which this resolution is adopted, being provisions of Chapter VI, Article 7, Section 78 of the Charter of the City of Durham, provides that all objections to the legality of the making of said improvements shall be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing heretofore provided for, and that any such objections not so made will be waived.

E. That all public service corporations, including any telephone company, gas company, telegraph company, power company, are hereby notified to immediately make such changes/removals of their poles and other equipment as may be necessary and required, so as not to hinder, retard or delay the City of Durham in the performance of the work herein contemplated.

F. The reasons for making the above mentioned improvements are that they are necessary in promotion of the comfort, convenience, safety, health and welfare of the citizens of Durham and in the interest of the orderly growth and advancement of the City of Durham and for the special benefit of the properties abutting upon such improvements.

G. That the work on said improvements as hereinbefore set forth, ordered and provided for, shall be commenced at once, or as soon as practicable, after funds are available therefore.

H. That the Public Works Director is hereby directed to cause a notice of the ordering of the making of said improvement to be published (in the manner prescribed by Section 77(11)(g) of the Durham City Charter) one time in the Durham Herald Sun, a newspaper published in the City of Durham.

This 17<sup>th</sup> day of June, 2013.